

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

FISHER SAND & GRAVEL, CO.
d/b/a/ SOUTHWEST ASPHALT PAVING and
FISHER SAND & GRAVEL – NEW MEXICO, INC.,

Plaintiff,

v.

Case No. 1:10-cv-00635-RB-SMV

FNF CONSTRUCTION, INC., *et al.*,

Defendants.

**ORDER GRANTING IN PART AND DENYING IN PART
FNF CONSTRUCTION, INC.'S MOTION TO COMPEL NO. 6 [Doc. No. 419]**

THIS MATTER came before the Court on Defendant FNF Construction, Inc.'s Motion to Compel No. 6: The Court Should Compel Plaintiff Fisher Sand & Gravel, Co. To Produce The Documents Identified in its Fourth Privilege Log [Doc. Nos. 419 and 421]. The Court, having reviewed the briefs and papers submitted by the parties, heard oral argument, and being otherwise advised in the premises, hereby finds that the Motion should be denied. The Court will, however, conduct an in camera review of documents from Plaintiff's privilege log that FNF identifies, in writing, to Plaintiff.

It is therefore ordered that FNF's Motion to Compel No. 6 [Doc. Nos. 419 and 421] is GRANTED IN PART AND DENIED IN PART as indicated above.



STEPHAN M. VIDMAR
United States Magistrate Judge

Submitted By:

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& SISK, PA

By: /s/ Jeremy K. Harrison

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